



POLICY AND ADMINISTRATIVE PROCEDURES

Manual of Policies and Procedures

Title

SEXUAL ASSAULT PREVENTION AND REPORTING

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-2-5(a)(8) IC 11-8-2-9 IC 11-10-1-1 <i>et seq.</i> IC 11-10-2-1 <i>et seq.</i> IC 11-10-3-1 <i>et seq.</i> IC 11-11-6-1 IC 35-42-4-1 IC 35-42-4-2 IC 35-42-4-8 IC 35-44-1-5 Prison Rape Elimination Act of 2003 (PREA)	00-01-103 02-01-107 00-02-301 02-04-101 00-04-201 03-01-101 01-02-101 03-02-101 01-03-103 03-02-103 01-04-101 03-02-104 01-04-104 03-03-101 01-04-106 04-03-103 01-05-101 HCSD 2.30 (Adult) HCSD 2.30 (Juvenile) Health Care Services Sexual Assault Manual	ACA: ACI: 4-4281-1 thru 4-4281-8 JTS: 3-JTS-3D-06-1 thru 3- JTS-3D-10 CO: 2-CO-3C-01, 2-CO-4F-01 ALDF: 3-ADLF-3E-08, 3- ALDF-4B-02-1, 3-ALDF-4F-03

I. PURPOSE:

The purpose of this policy and administrative procedure is to establish guidance for staff and offenders regarding the prevention of sexual assaults and those actions to be taken in cases of inappropriate sexual conduct by staff or offenders.

II. POLICY STATEMENT:

It is the policy of the Indiana Department of Correction to provide a safe and secure environment for all staff, volunteers, contractors, visitors and offenders and to maintain a program for the prevention of sexual conduct in any facilities operated by the Department or with which the Department contracts. The Department of Correction is committed to a zero (0) tolerance for sexual conduct between staff, volunteers, contractors, visitors, or offenders whether committed by staff, volunteers, contractors, visitors, or other offenders. Sexual conduct between staff, volunteers, contractors, visitors, and offenders, regardless whether consensual or not, is strictly prohibited. In cases where sexual conduct has been alleged, a thorough investigation shall be conducted. In those cases where it appears that inappropriate sexual conduct has taken place, prompt intervention

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	2	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

shall be provided and all appropriate disciplinary actions shall be taken, including the possibility of criminal prosecution.

III. DEFINITIONS:

For the purpose of this policy and its administrative procedures, the following definitions are provided:

- A. **BODILY INJURY:** Any impairment of physical condition, including physical pain in accordance with IC 35-41-1-4.
- B. **CRITICAL INCIDENT:** Any event that seriously disrupts the routine operation of a facility such as those situations involving, battery on staff or offenders, abusive sexual contacts, staff sexual harassment, etc. Also, those situations which are defined as serious, significant or highly sensitive are considered critical incidents.
- C. **ABUSIVE SEXUAL CONTACT WITH ANOTHER OFFENDER:** Contact of a sexual nature between offenders by physical, emotional, or psychological use of force, threat of use of force, or perceived use of force, which includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any offenders involved.
- D. **SEXUAL ACT WITH ANOTHER OFFENDER:** Contact of a sexual nature between offenders by physical, emotional, or psychological use of force, threat of use of force, or perceived use of force, including:
 - Contact between the penis and the vagina or the penis and the anus including penetration, however slight;
 - Contact between the mouth and the penis, vagina or anus; or,
 - Penetration of the anal or genital opening of another person by a hand, finger or other object.
- E. **ABUSIVE SEXUAL CONTACT WITH STAFF:** Contact of a sexual nature by an offender(s) on a staff member by physical, emotional, or psychological use of force, threat of use of force, or perceived use of force which includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the victim.
- F. **ABUSIVE SEXUAL CONTACT WITH A VOLUNTEER:** Contact of a sexual nature by an offender(s) on a volunteer which includes intentional

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	3	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the victim.

G. **SEXUAL ACT WITH STAFF:** Contact of a sexual nature by an offender(s) on a staff member by physical, emotional, or psychological use of force, threat of use of force, or perceived use of force, including:

- Contact between the penis and the vagina or the penis and the anus including penetration, however slight;
- Contact between the mouth and the penis, vagina or anus; or,
- Penetration of the anal or genital opening of another person by a hand, finger or other object.

H. **SEXUAL ACT WITH A VOLUNTEER:** Contact of a sexual nature by an offender(s) on a volunteer including:

- Contact between the penis and the vagina or the penis and the anus including penetration, however slight;
- Contact between the mouth and the penis, vagina or anus; or,
- Penetration of the anal or genital opening of another person by a hand, finger or other object.

I. **ABUSIVE SEXUAL CONTACT WITH A VISITOR:** Contact of a sexual nature by an offender(s) on a civilian by physical, emotional, or psychological use of force, threat of use of force, or perceived use of force which includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the victim.

J. **SEXUAL ACT WITH A VISITOR:** Contact of a sexual nature by an offender(s) on a civilian by physical, emotional, or psychological use of force, threat of use of force, or perceived use of force, including:

- Contact between the penis and the vagina or the penis and the anus including penetration, however slight;
- Contact between the mouth and the penis, vagina or anus; or,
- Penetration of the anal or genital opening of another person by a hand, finger or other object.

K. **OFFICIAL VISITOR:** Representatives of other state, local, or federal agencies OR an organization/agency providing approved services to the facility or offenders.

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	4	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

- L. PREA PREDATOR LIKELY: An offender identified by staff as having a history of sexually assaultive behavior or is determined to present a risk to vulnerable offenders.
- M. SERIOUS BODILY INJURY: Any bodily injury that creates a substantial risk of death or that causes: (1) serious permanent disfigurement; (2) unconsciousness; (3) extreme pain; (4) permanent or protracted loss or impairment of the function of the bodily member or organ; or, (5) loss of a fetus.
- N. SERIOUS, SIGNIFICANT OR HIGHLY SENSITIVE EVENT: Any event that includes the following:
1. Escapes;
 2. Death or serious injury of on-duty staff;
 3. Death or serious injury of an offender, except in cases where the offender dies of natural causes and the death was anticipated;
 4. Sexual act with another offender;
 5. Abusive sexual contact with another offender;
 6. Sexual act with staff;
 7. Sexual act with a volunteer;
 8. Abusive sexual contact with staff;
 9. Abusive sexual contact with a volunteer;
 10. Sexual act with a visitor;
 11. Abusive sexual contact with a visitor;
 12. Staff/volunteer sexual harassment;
 13. Staff/volunteer sexual misconduct;
 14. Visitor sexual harassment;
 15. Visitor sexual misconduct;
 16. Death or serious injury of a visitor at a facility;
 17. Any serious fire or disturbance at a facility;
 18. Any natural disaster or other serious unexpected event, such as the loss of utilities, that may have a serious negative impact upon the operation of the facility;
 19. Any unexpected facility event that may cause widespread interest or non-routine news coverage and where immediate response or comment may be solicited from Central Office; or,
 20. Any serious crime, such as a homicide, serious battery or sex crime, committed by an offender on Parole that may cause widespread interest or non-routine news coverage and where a response or comment may be solicited from Central Office.

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	5	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

- O. **SEXUAL ASSAULT PREVENTION PROGRAM COORDINATOR (COORDINATOR):** The staff person designated by the Facility Head to oversee the sexual assault prevention program at the facility.
- P. **SEXUAL CONDUCT:** Engaging in the following:
1. Sexual intercourse, as defined in these administrative procedures, with the consent of the other person.
 2. Sexual contact, as defined in these administrative procedures with the consent of the other person.
 3. Requesting, hiring or telling another person to have sexual intercourse or sexual contact.
 4. Exposing his/her own intimate parts to another person for the purpose of sexual arousal or gratification.
 5. Having contact with or performing acts with an animal that would be sexual intercourse or sexual contact if with another person.
 6. Clutching, fondling or touching the offender's own intimate parts for the sexual arousal of the offender or others, whether clothed or unclothed, while observable by others.
- Q. **STAFF:** An individual who is employed by the Department or facility on a full-time, part-time, or contractual basis.
- R. **STAFF/VOLUNTEER SEXUAL HARASSMENT:** Verbal statements or comments of a sexual nature to an offender by an employee, volunteer, contractor, official visitor or agency representative including:
- Demeaning references to gender or derogatory comments about body or clothing; or,
 - Profane or obscene language or gestures.
- S. **STAFF/VOLUNTEER SEXUAL MISCONDUCT:** Any act or behavior of a sexual nature directed toward an offender by an employee, volunteer, contractor, official visitor or agency representative, such as romantic relationships between staff and offenders and consensual or non-consensual sexual acts including:
- Intentional touching of the genitalia, anus, groin, breast, inner thigh or buttocks with the intent to abuse, arouse or gratify sexual desire;
 - Completed, attempted, threatened or requested sexual acts; or,
 - Occurrences of indecent exposure, invasion of privacy or staff voyeurism for sexual gratification.

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	6	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

- T. VISITOR: An individual visiting an Department facility, who is not staff, a volunteer, or an official visitor.
- U. VISITOR SEXUAL HARASSMENT: Verbal statements or comments of a sexual nature to an offender by visitor including:
- Demeaning references to gender or derogatory comments about body or clothing; or,
 - Profane or obscene language or gestures.
- V. VISITOR SEXUAL MISCONDUCT: Any act or behavior of a sexual nature directed toward an offender by a visitor, such as sexual acts including:
- Intentional touching of the genitalia, anus, groin, breast, inner thigh or buttocks with the intent to abuse, arouse or gratify sexual desire;
 - Completed, attempted, threatened or requested sexual acts; or,
 - Occurrences of indecent exposure, invasion of privacy or staff voyeurism for sexual gratification.
- W. VOLUNTEER: An individual giving his/her time to Department facilities without compensation.
- X. PREA VICTIM LIKELY: An offender identified by staff who may need special services due to being a victim of sexual assault or misconduct or who is potentially susceptible to becoming a victim of sexual assault or misconduct while in a correctional setting.

IV. ZERO (0) TOLERANCE FOR SEXUAL CONDUCT:

The Department of Correction shall maintain a stance of zero (0) tolerance for all forms of sexual conduct between offenders and staff, volunteers, contractors, visitors, or other offenders. Sexual conduct includes: abusive sexual contact with another offender, sexual act with another offender, abusive sexual contact with staff, sexual act with staff, abusive sexual contact with a volunteer, sexual act with a volunteer, abusive sexual contact with a visitor, sexual act with a visitor, staff/volunteer sexual harassment, staff/volunteer sexual misconduct, visitor sexual harassment, and visitor sexual misconduct. This zero (0) tolerance on sexual conduct applies to all Department facilities and all facilities and programs providing services to offenders committed to the Department.

The Department shall ensure that all agencies and organizations that house offenders committed to the Department, including county jails, group homes,

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	7	16

Title

SEXUAL ASSAULT PREVENTION AND REPORTING

private contractors, etc., are made aware of the Department's position. During inspections of county jails holding Department offenders, the Director of Field Audits/ACA Accreditation or designee shall ensure that the county jail has a mechanism in place to address allegations of inappropriate sexual conduct. Also, when contracts are prepared with agencies and organizations to house offenders for the Department, a provision shall be included to ensure that the agency/organization maintains a zero (0) tolerance for sexual conduct and has a mechanism in place to address allegations of inappropriate sexual conduct.

The Department shall share information with these agencies and organizations regarding the Department's program to prevent sexual conduct. Upon request, the Department shall provide an initial supply of the Department's brochure regarding sexual conduct. Additionally, the Department shall provide assistance to these agencies and organizations in the development and implementation of a program to prevent sexual conduct.

V. STAFF ORIENTATION AND TRAINING:

As a part of the new employee orientation training, all staff shall be trained in detecting and preventing sexual conduct in the correctional setting. This training shall include an explanation of inappropriate contact with offenders as described in Policy 04-03-103, "Information and Standards of Conduct for Departmental Staff," and the prohibitions against sexual contact with offenders as stated in the Indiana Code (IC 35-44-1-5). Additionally, this training shall include how to recognize signs of sexual abuse or misconduct, ways that offenders may report inappropriate sexual conduct, instructions for staff on reporting inappropriate sexual conduct, crisis intervention, treatment and crime scene and evidence preservation techniques. As a part of this training, staff shall be provided with a brochure created in conjunction with the Division of Staff Development and Training which assists staff in identifying inappropriate sexual conduct, including abusive sexual contact with another offender, sexual act with another offender, abusive sexual contact with staff, sexual act with staff, abusive sexual contact with a volunteer, sexual act with a volunteer, abusive sexual contact with a visitor, sexual act with a visitor, staff/volunteer sexual harassment, staff/volunteer sexual misconduct, visitor sexual harassment, visitor sexual misconduct and the actions to take when such behavior is identified. Like curriculum shall be addressed during staff in-service trainings as well. Staff shall be advised that any form of sexual conduct between staff and offenders, whether consensual or not, is prohibited and that staff who are found to have engaged in any form of sexual conduct with offenders shall be subject to the appropriate disciplinary action, up to and including termination from employment and criminal prosecution.

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	8	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

Additionally, staff shall be informed that any form of harassment or discrimination against an offender, the offender's family or friends, members of the public or other staff shall be prohibited and that any such reports made against a staff person shall be investigated and if found to be true shall result in the appropriate disciplinary action, up to and including termination of employment. In addition to the new employee orientation training, a module on inappropriate sexual conduct shall be included in the annual training for staff. This module shall include a refresher of the information in the new employee orientation training and any additional information that is deemed to be required.

Additionally, the Department shall oversee the development of posters that will be placed in prominent locations within the facilities that will help staff and offenders to recognize the potential dangers of inappropriate sexual behavior and how to avoid such dangers. These posters shall be placed in locations in the facilities where they can be seen by staff and offenders and be written in both English and Spanish.

VI. VOLUNTEERS, INTERNS AND CONTRACTORS:

All volunteers, interns and contractors who have regular contact with offenders shall be provided the same information as staff in regards to inappropriate sexual behavior. Volunteers, interns and contractors shall be advised that any form of sexual conduct with an offender, whether consensual or not, is strictly prohibited and that any volunteer, intern or contractor found to have engaged in such conduct shall be removed from the facility and not allowed to return and may be subject to criminal prosecution. Training in the detection and response to inappropriate sexual behavior shall be made a part of the volunteer, intern and contractor orientation training. Each volunteer, intern or contractor having regular contact with offenders shall be provided with a copy of the brochure provided to staff regarding sexual behavior and receive the same information and training materials that are provided to staff.

VII. OFFENDER EDUCATION PROGRAM:

All offenders in the Department of Correction shall receive as a part of the orientation to a facility an educational segment regarding sexual conduct. The offender shall be provided with oral and written information regarding: inappropriate sexual conduct, prevention and intervention, self-protection, reporting inappropriate sexual conduct including abuse and/or assault, and treatment and counseling available to offenders who are victims of inappropriate sexual conduct. The presentation of this information shall be in a manner that is easily understandable to the offenders. As a part of this educational program, the offenders shall be advised that any offender who commits inappropriate sexual

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	9	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

conduct shall be charged in accordance with the appropriate disciplinary code or code of conduct and, if found guilty, shall receive the fullest sanctions.

Additionally, the offenders shall be advised that all such cases shall be referred to the Indiana State Police for criminal prosecution.

As a part of the offender's orientation, the offender shall be given a brochure created by the Department advising the offender of the potential dangers of sexual conduct and the Department's zero (0) tolerance for such behavior. Additionally, staff at the facility shall supplement the information in the brochure by providing information specific to the operation of the facility. This information shall also be included in the facility's offender handbook. Staff shall address any questions the offenders might ask regarding sexual conduct.

Additionally, it shall be noted in each offender's record that the offender received the brochure and was made aware of all appropriate information regarding inappropriate sexual conduct, including how to report it and how to obtain treatment if he/she becomes a victim. The offender shall sign a receipt indicating that this information was provided and the receipt shall be filed in the offender's facility packet. (This receipt shall be filed in Section 3 of the adult facility packets and Section 4 of the juvenile facility packets.)

VIII. SEXUAL ASSAULT PREVENTION PROGRAM COORDINATOR:

The Facility Head shall designate a staff person to serve as the facility's Sexual Assault Prevention Program Coordinator (Coordinator). The staff person designated to serve in this capacity should be a staff person in a supervisory position who has been trained in sexual assault crisis issues and has the knowledge, skills and abilities to implement and evaluate the facility's Sexual Assault Prevention Program.

Additionally, the Facility Head shall designate a staff person to serve as an alternate for the Coordinator. This staff person should have similar training and abilities as the Coordinator.

The duties of the Coordinator shall include:

- A. Ensuring that training in the sexual assault prevention program is provided to all new staff during the new employee orientation training and annually thereafter.
- B. Ensuring that the facility has a program for the evaluation, treatment and counseling of offender victims and sexual predators.

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	10	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

- C. Assisting in the identification and utilization of community resources available for the provision or development of counseling and treatment services for offenders.
- D. Completing a Sexual Incident Report for sexual incidents occurring in the facility (both allegations and substantiated incidents). This information can be found through the use of the Disciplinary REPORT OF CONDUCT and any other source deemed appropriate. All Reports of Conduct that are sexual in nature shall have a corresponding completed Sexual Incident Report. The SEXUAL INCIDENT REPORT is to be initiated within 30 days of the report being filed and can be found at <http://intranet.idoc.in.gov/rnp>.
- E. Updating offender's PREA Predator Likely flags and PREA Victim Likely flags in OIS based upon the review and recommendation of the Sexual Assault Prevention Committee.
- F. Serving as Chairperson of the facility's Sexual Assault Prevention Committee.

IX. SEXUAL ASSAULT PREVENTION COMMITTEE:

The Facility Head of each facility shall establish a Sexual Assault Prevention Committee. This committee shall be comprised of key staff from the facility and should be multi-disciplinary in composition. The Coordinator shall serve as the Chairperson.

The purpose of the Sexual Assault Prevention Committee is to establish a facility specific program, in conjunction with the Department's program, to facilitate the prevention of sexual assaults in the facility and Department. The committee shall also ensure that the facility's procedures for addressing allegations of inappropriate sexual conduct by staff or offenders are in accordance with this and all other applicable administrative procedures. In conjunction with the Health Care staff at the facility, the committee shall ensure that adequate medical and mental health care is available to those persons who are victims of inappropriate sexual contact. Should a victim refuse or decline medical treatment the victim shall sign a REFUSAL FOR TREATMENT which will be documented in the offender case file.

The Sexual Assault Prevention Committee shall meet on a monthly basis. The Chairperson or designee shall be responsible for scheduling the meetings and notifying the committee members of all meetings. Additionally, the Chairperson shall ensure that minutes of each meeting are taken and that these minutes are

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	11	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

distributed to the Facility Head, the Research/Planning Division, and any other designated staff.

A focus of the monthly meeting shall be the review of PREA Predator Likely flags and PREA Victim Likely flags in OIS. The Committee shall review and discuss any suggested changes in Predator/Victim flag status that have been prompted by an incident or an offender's annual classification review.

X. OFFENDER INTAKE INTO THE DEPARTMENT:

Within 24 hours of an offender's admission into the Department at a Department intake unit, staff shall assess an offender through interviews and reviews of the offender's record to attempt to determine whether the offender may be a potential predator or a vulnerable offender. This assessment shall utilize the appropriate Sexual Violence Assessment Tool in ATTACHMENTS I, II, III, and IV in accordance with its completion instructions.

Based upon this assessment, the offender shall be placed in the appropriate housing. If staff determines that an offender is a potential predator or vulnerable offender, the offender's record shall be appropriately flagged in OIS. Additionally, staff shall determine at that time whether the offender may be considered for separatee status in accordance with Policy 01-04-106, "Offender Monitoring."

When the offender is classified at the intake unit, staff shall take into consideration any flags indicating the offender is a potential predator or victim of sexual misconduct. An offender determined to be either a potential sexual predator or as an offender at risk for sexual victimization shall be identified, monitored and counseled. The determination that an offender is a potential predator or a vulnerable offender shall be changed only by the facility Sexual Assault Prevention Coordinator, at the recommendation of the Sexual Assault Prevention Committee.

XI. HOUSING FACILITY ASSESSMENT:

Upon transfer from an intake unit or other facility, staff at the receiving facility shall determine whether the offender has been assessed at an Intake unit in accordance with these administrative procedures. If the offender's record indicates that the offender has not been assessed in the past 12 months (or at intake if a previous parole/probation/etc return), staff shall ensure that an assessment is conducted during the offenders' administration and orientation processing at the facility. This assessment shall include a review of the offender's record, an application of the appropriate Sexual Violence Assessment Tool (see

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	12	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

ATTACHMENTS I, II, III, and IV) and, if deemed necessary, an interview with the offender to determine whether the offender is a 'likely PREA predator' or a 'likely PREA victim'. The staff conducting this assessment shall notify the Coordinator of any offenders arriving at the facility who receive a score on the Sexual Violence Assessment Tool that indicates a status of a 'likely PREA predator' or 'likely PREA victim'. All 'likely PREA predator' and 'likely PREA victim' flags shall be reviewed at each offenders' annual review. Offenders may not request a review prior to this time period and no flags shall be altered prior to the annual review unless a qualifying incident occurs that would likely change the offender's flag status.

The SAPP Coordinator and Committee shall review the record and history of those offenders receiving a Sexual Violence Assessment Tool (SVAT) score of 9 or above on the Potential Predator Continuum, a SVAT score of 10 or above on the Potential Victim Continuum, or any offender whose SVAT score is questioned by staff. The committee shall then reach a consensus on the PREA flag status of those offenders in question. Offenders identified as 'likely PREA predators' may be considered for housing in Administrative Segregation. Offenders who are identified as 'likely PREA predators' shall not be housed in the same cell as or in a bed adjacent to offenders who are identified as 'likely PREA victims.' Offenders who have been identified as 'likely PREA victims' shall not be housed in the same cell as or in a bed adjacent to an offender identified as a 'likely PREA predators' and may be housed in Protective Custody or other assignment that reduces the likelihood of sexual victimization. All assignments shall be in accordance with the Policy 01-04-101, "Adult Offender Classification," or Policy 03-02-104, "Juvenile Classification and Comprehensive Case Management."

XII. FACILITY PREVENTION ACTIVITY:

The Coordinator and other staff designated by the Facility Head shall tour the facility at least quarterly to locate and identify areas that may require additional electronic or staff monitoring in order to prevent inappropriate sexual conduct. The Coordinator shall make a list of these locations and present the list to the Facility Head along with Committee recommendations as to how to address these locations. The Facility Head and other designated staff shall review the report submitted by the Coordinator and take any appropriate actions to reduce the possibility of inappropriate sexual conduct in these locations.

The Coordinator and the Committee shall review any reports of inappropriate sexual conduct received at the facility. These reports shall be reviewed in an attempt to determine whether the facility can/should take action to prevent future inappropriate sexual conduct. The Coordinator shall advise the Facility Head of any findings from the review of these reports. The Facility head shall take

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	13	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

appropriate actions necessary to prevent future inappropriate sexual conduct happening in the same location or manner.

XIII. REPORTING OF SEXUAL CONDUCT:

Offenders who have been the victims of sexual conduct or the threat of sexual conduct shall be encouraged to report these situations. Staff shall ensure that offenders are aware of the manner in which reports of actual or threatened inappropriate sexual conduct can be made. Offenders shall be permitted to make these reports to any staff person. If the offender is not comfortable with making the report to the immediate point of contact line staff, the offender shall be allowed to make the report to a staff person with whom he/she is comfortable in speaking about the allegations.

Any staff person, volunteer or contractor that has reason to believe that actual or threatened sexual conduct has occurred has a duty to report this information to the Shift Supervisor on duty. The Shift Supervisor will in turn alert the Facility Head, Internal Affairs, SAPP Coordinator, member of the SAPP Committee, or other designee.

Upon receipt of a report of actual or threatened inappropriate sexual conduct, staff shall ensure that the Facility Head is notified as soon as possible. Additionally, staff shall ensure that the facility's Internal Affairs Office or the Central Office Internal Affairs Section is contacted so that an investigation may be started. An investigation shall be conducted on all reports of actual or threatened inappropriate sexual conduct.

When the Facility Head receives information that inappropriate sexual conduct has taken place, the Facility Head shall complete a REPORT OF CRITICAL INCIDENT and submit this report in accordance with the appropriate Department procedures. Additionally, if the alleged inappropriate sexual conduct involves a juvenile, the incident shall be reported to the Child Protective Services as required in the administrative procedures for Policy 03-02-103, "The Reporting, Investigation and Disposition of Child Abuse and Neglect."

XIV. INVESTIGATION OF SEXUAL CONDUCT:

When a staff person receives a report from an offender of inappropriate sexual conduct or threatened sexual conduct, the staff person shall report it to the Shift Supervisor. The staff person shall complete a REPORT OF INCIDENT providing as much detail as possible. The Shift Supervisor shall ensure that the alleged victim and perpetrator are physically separated. This separation may take place by placing one of the parties in Administrative Segregation or Protective

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	14	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

Custody. The Shift Supervisor shall inform the designated staff member on duty in the following areas: Facility Head, Internal Affairs, Medical, and Mental Health. If the allegation is of actual inappropriate sexual conduct, the victim shall be referred to the facility's Health Care staff for examination in accordance with HCSD 2.30 and the Health Care Sexual Assault Manual. Should the victim refuse or decline medical treatment the victim shall sign a REFUSAL OF TREATMENT form which will be documented in the offender case file.

If the alleged incident occurred within 48 hours of the report, staff shall ensure that appropriate actions are taken to preserve as much evidence as possible (e.g., if the sexual conduct involves intercourse, the alleged victim shall be instructed not to shower or otherwise clean him/herself, drink, use the toilet, brush his/her teeth, not remove clothing, etc.). If the alleged perpetrator is known, staff shall require him/her to follow the same actions as with the alleged victim in order to preserve any possible evidence of an inappropriate sexual conduct. Additionally, a determination will be made as to whether the Indiana State Police is to be contacted. Mental Health staff or staff trained in victim support shall be contacted to meet with the alleged victim.

When the Facility Head or designee receives a report of actual or threatened sexual conduct, the Facility Head or designee shall order that an investigation be conducted. This investigation shall be conducted by either the facility's Internal Affairs staff or staff from the Internal Affairs Section in Central Office. Staff conducting such an investigation should be trained in conducting investigations, preserving evidence, maintaining chain-of-custody and staff and offender misconduct.

The facility's Internal Affairs staff shall conduct the investigation of the incident. If the Indiana State Police is contacted, the facility's Internal Affairs staff shall work cooperatively with the Indiana State Police investigator. Staff shall ensure that any crime scene or evidence collected is maintained in accordance with the administrative procedures for Policy 00-01-103, "The Operation of the Internal Affairs Unit."

Reports of investigations of alleged sexual conduct shall be maintained in accordance with all appropriate records retention schedules.

XV. VICTIM SUPPORT:

When an offender reports to staff that he/she has been a victim of sexual conduct, staff shall promptly offer the offender protection from the alleged perpetrator and advise that an investigation will be conducted. The alleged victim shall be referred to the facility Mental Health staff for evaluation and counseling, as

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	15	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

needed. If determined appropriate, the alleged victim shall be offered counseling and support services, such as psychological services, chaplaincy services, counseling, group therapy, etc. Should the victim refuse or decline such services the victim shall sign a "Refusal of Treatment" form which will be documented in the offender case file.

The Sexual Assault Prevention Committee shall review the alleged victim's PREA Victim Likely flag status and determine if a change in the flag's status is necessary. The Coordinator will change the victim's flag status if deemed appropriate.

Additionally, staff shall review the alleged victim's housing and work assignments to determine whether he/she should be offered another assignment within the facility or should be considered for transfer to another facility. If the offender is transferred from one facility to another, the Coordinator of the sending facility shall notify the Coordinator of the receiving facility as soon as possible and explain the circumstances of the alleged inappropriate sexual conduct.

The Coordinator and other appropriate staff shall work with community resources to ensure that adequate victim services are available to victims of inappropriate sexual conduct. If requested by the victim of inappropriate sexual conduct, the Coordinator shall work with the facility Release Coordinator to help arrange victim counseling or treatment in the community upon the offender's release.

XVI. STATISTICAL REPORTING:

Each incident of inappropriate sexual conduct shall be reported on a REPORT OF CONDUCT and SEXUAL INCIDENT REPORT; each substantiated or verified incident of inappropriate sexual conduct shall also be reported on a REPORT OF CRITICAL INCIDENT. These reports shall be submitted in accordance with the appropriate procedures for the reporting of disciplinary violations and critical incidents. The Sexual Assault Prevention Policy Coordinator shall submit a SEXUAL INCIDENT REPORT for each investigated incident that is sexual in nature via <http://intranet.idoc.in.gov/rnp>. All investigations, regardless of outcome (substantiated, unsubstantiated, or unfounded) shall be reported through the Sexual Incident Report.

The Coordinator shall maintain a record of all reports of inappropriate sexual conduct at the facility. Aggregate data regarding Sexual Incident Reports can also be requested from the Research/Planning Division. Each individual Sexual Incident Report shall be discussed at the next Sexual Assault Prevention Policy Committee meeting. The Committee shall determine whether any actions are necessary at the facility to reduce the likelihood of future incidents.

POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-115	06/01/09	16	16
Title			
SEXUAL ASSAULT PREVENTION AND REPORTING			

The Division of Planning and Research shall develop a Department-wide report based upon the Sexual Incident Reports and Internal Affairs investigations (Internal Affairs Case Management) provided by the facilities. This report shall be completed by the federally mandated date and presented to the Department's Executive Staff for review (Research/Planning Division will notify the Department's Executive Staff of deadlines). Also, the Division of Planning and Research shall be responsible for using this report to provide information required by the Prison Rape Elimination Act of 2003.

XVII. PROGRAM EVALUATION:

Annually, the Facility Head and the Coordinator, as well as any other designated staff, shall conduct an evaluation of the efforts of the facility to eliminate inappropriate sexual conduct and compliance with these administrative procedures. Program and procedural changes shall be made at the facility based upon this evaluation. A copy of the evaluation and a description of any changes being made at the facility shall be submitted to the Executive Director of Adult Facilities or Executive Director of Juvenile Services.

The Executive Director of Adult Facilities or Executive Director of Juvenile Services shall review the evaluations submitted by the facilities and make a recommendation regarding any changes in the Department's administrative procedures. These recommendations shall be forwarded to the Department Policy Manager who will compile the recommendations and present them to the Executive Staff for review and approval.

XVIII. APPLICABILITY:

This policy and administrative procedure is applicable to all Department facilities, staff, volunteers, contractors and agencies and organizations housing offenders on behalf of the Department.

Signature on File
Edwin Buss
Commissioner

5/12/09
Date